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**PLANNING COMMISSION SITE PLAN
CONDITIONAL USE PERMIT & VARIANCE REVIEW SHEET**

CASE NUMBER: SPC-2012-0338CT

PC DATE: March 12, 2013

PROJECT NAME: TPPF (Texas Public Policy Foundation)

ADDRESS: 901 Congress Avenue

APPLICANT/AGENT: Big Red Dog Engineering (Bob Brown)
815-A Brazos Street, #319
Austin, Texas 78701
Telephone: (512) 669-5560

OWNER: Texas Public Policy Foundation (Arlene Wohlgemuth)
900 Congress Avenue
Austin, Texas 78701

OFF-SITE OWNER: Capital Plains Bank
c/o Tim Wright, Vice President
900 Congress Avenue
Austin, Texas 78701

PROPOSED DEVELOPMENT: The applicant is requesting a conditional use permit for an off-site parking facility to serve a proposed six-story, 39,564 sq. ft. office building to be located at the northeast corner of Congress Avenue and 9th Street. The applicant is also requesting a variance from the requirement to provide a loading space for vehicles to empty a trash receptacle, and from providing an off-street loading facility.

EXISTING ZONING: The site is zoned CBD (Central Business District) and commercial off-street parking is a conditional use in this zoning district.

NEIGHBORHOOD ORGANIZATIONS:

Downtown Austin Neighborhood Coalition
Homeless Neighborhood Organization
Austin Independent School District
Beyond2ndNature
Austin Heritage Tree Foundation
Sierra Club, Austin Regional Group
City of Austin Downtown Commission
SEL Texas
Downtown Austin Neighborhood Association
League of Bicycling Voters
Austin Parks Foundation
Austin Neighborhoods Council
Downtown Austin Alliance
The Real Estate Council of Austin, Inc.
Austin Monorail Project
Super Duper Neighborhood Objectors and Appealers Organization

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T.I.A.:

Not required

**APPLICABLE WATERSHED ORDINANCE:
WATERSHED:**Comprehensive Watershed Ordinance
Lady Bird Lake Watershed (Urban)**SURROUNDING SITE CONDITIONS:**Zoning/ Land Use:

North: CBD/Office building

South: Ninth Street

East: Alley

West: Congress Avenue

SUMMARY COMMENTS ON SITE PLAN: Off-site Parking - The proposed office building will provide no on-site vehicle parking. Twenty-nine (29) parking spaces are required, and twenty-nine (29) spaces will be provided at the off-site parking garage facility located at 816 Colorado Street. This facility is 692 linear feet from the building entrance of the proposed office building, and the path from the parking garage to the proposed building will be ADA-compliant.

Variance Request – Based upon the site plan, there is not sufficient site area to comply with Land Development Code Section 25-6-592(B)(1) & (B)(2) requirements, which states:

(B) The following must be located on-site in accordance with this section:

- (1) A trash receptacle location, including space for a vehicle to empty the receptacle; and*
- (2) An off-street loading facility*

For garbage pickup, the applicant proposes to provide trash receptacles within an enclosed and dedicated refuse room at street level and facing the alley. When garbage is collected, the trash receptacles will be rolled out to facilitate pickup by the garbage vehicle, and will be rolled back immediately following collection.

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of the conditional use permit for off-site parking. The request is reasonable, and staff has noted that pending City Council action proposes eliminating all parking requirements in the CBD.

Staff recommends approval for the variance from providing a vehicle space for trash pickup, and off-street loading facility. Approval is recommended for the following reasons:

- There are no proposed public entries to the proposed building from the alley, and the alley will only be used for loading and unloading, including trash collection.
- There is no parking located in the alley that might limit the movement of vehicles loading and unloading.
- A public sidewalk is located along 9th Street and Congress to direct pedestrians to the entrances to the proposed building.

CASE MANAGER: Michael Simmons-Smith

Telephone: 974-1225

michael.simmons-smith@austintexas.gov

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3**CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA**

The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states:

A. The Land Use Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

B. A conditional use site plan must:

1. **Comply with the requirements of this title;** Staff Response: This site plan substantially complies with all regulations and requirements of the Land Development Code.
2. **Comply with the objectives and purposes of the zoning district;** Staff Response: The proposed uses are a permitted use in the CBD zoning district.
3. **Is the building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and land use compatible with the use of an abutting site;** Staff Response: The building complies with setback, height, and other requirements for site plan approval, and is compatible with adjacent land uses.
4. **Provide adequate and convenient off-street parking and loading facilities;** Staff Response: The site plan proposes adequate and accessible off-site parking and is requesting a variance from loading facility requirements.
5. **Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.** Staff Response: The site plan will comply with all requirements of the Land Development Code including compatibility standards, and reasonably protects the health, safety, and welfare of persons and property.
6. **For a conditional use located within the East Austin Overlay district, comply with the goals and objectives of a neighborhood plan adopted by the City Council for the area in which the use is proposed.** Staff response: The proposed project is within the Old West Austin neighborhood plan.

C. A Conditional Use Site Plan May Not:

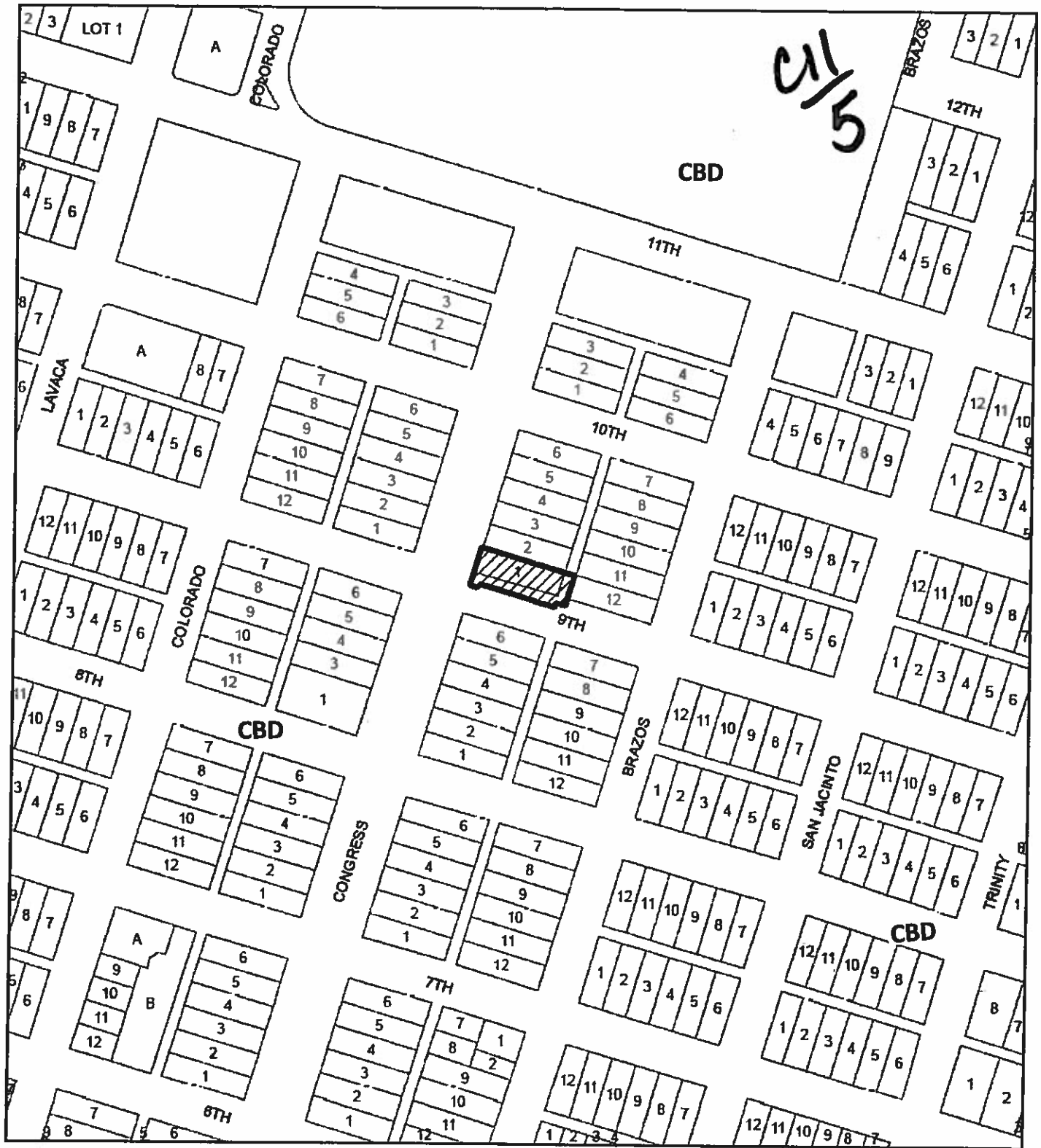
1. **More adversely affect an adjoining site than would a permitted use;** Staff response: The site plan will conform to all regulations and standards established by the Land Development Code. This proposed site plan does not more adversely affect an adjoining site than would a permitted use.
2. **Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;** Staff response: The site plan is not anticipated to have any detriment of safety or convenience. The site plan does not adversely affect the safety and convenience or vehicular and pedestrian circulation.
3. **Adversely affects an adjacent property or traffic control through the location, lighting, or type of signs;** Staff response: No signage or lighting is proposed that would significantly affect adjacent properties or traffic control.

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- D.** A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.

Section 25-5-146 Conditions of Approval of the Land Development Code states:

- (A) To make a determination required for approval under Section 25-5-145 (Evaluation Of Conditional Use Site Plan), the Land Use Commission *may require* that a conditional use site plan comply with a condition of approval that includes a requirement for:
- (1) a special yard, open space, buffer, fence, wall, or screen;
 - (2) landscaping or erosion;
 - (3) a street improvement or dedication, vehicular ingress & egress, or traffic circulation;
 - (4) signs;
 - (5) characteristics of operation, including hours;
 - (6) a development schedule; or
 - (7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.



 Subject Tract

 Base Map

CASE#: SP-2012-0338C
ADDRESS: 901 Congress Avenue



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

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ZONING: CBD
(PRIVATE CLUB)

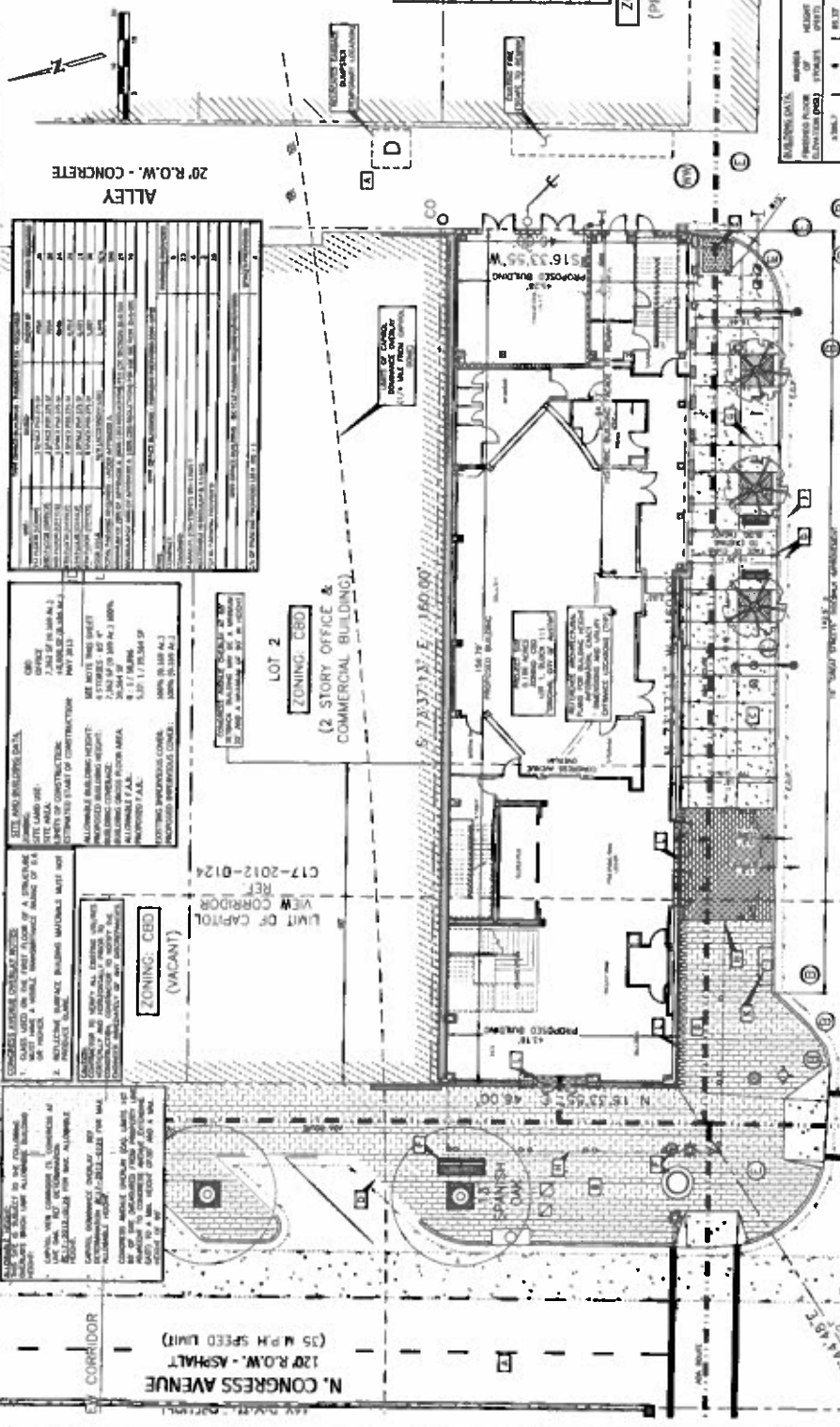
BUILDING TYPE (S.I.T.S.)	FEDERATED PROGRAM SUB-SECTION	PERCENT OF TOTAL	HIGHEST OFFICE FLOOR	ACTUAL TYPICAL TYPE	BUILDING CONTRACT \$M	BUILDING SQUARE FOOTAGE
2000-7		1	86.37	992.33	3.362	18,548



FOOTNOTES:

¹ In comparison with Section 201-9-901(1)(A), the proposed amendments to the Official Code and Rules require that the minimum level of 20% of the recommendations found in Appendix A for an office use.

² Although the proposed office use is a more permanent use, the proposed amendments to the

[illegible][illegible]

ZONING: CBD

(OFFICE BUILDING)

E. 9th STREET
80' R.O.W. - ASPHALT
135 M.P.H. SPEED LIMIT

CONGRESS AVENUE
120' R.O.W. - ASPHALT
(75 M.P.H. SPEED LIMIT)

CARROLL GRADUATE SCHOOL
 1500 N. UNIVERSITY BLVD
 SUITE 100
 DALLAS, TX 75207
 TEL: 214-768-1234
 FAX: 214-768-1235
 WWW: WWW.CARROLLGRADUATE.EDU

CLASSES AND/OR OTHERS. THE FIRST FLOOR OF A STRUCTURE MUST HAVE A MINIMUM CLEARANCE OF 10 FEET FOR PEDESTALS.

REQUIREMENTS FOR BUILDING MATERIALS MUST NOT VIOLATE ANY CODE.

REQUIREMENTS FOR ALL EXISTING BUILDINGS MUST BE IN ACCORDANCE WITH THE CITY OF CHICAGO'S BUILDING DEPARTMENT'S REQUIREMENTS FOR EXISTING BUILDINGS.

ZONING: CBO

[illegible]

STREET ADDRESS ONLY
CITY AND STATE ZIP CODE

LOT 2

ZONING DISTRICT

(2 STORY OFFICE & COMMERCIAL BUILDING)

(VACANT)

N. CONGRESS AVENUE
120 R.O.W. - ASPHALT
(35 M.P.H. SPEED LIMIT)